

FAX COVER SHEET

DILWORTH PAXSON LLP

3200 Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103
U.S.A

(215) 575-7000

Fax Number:
(215) 575-7200

PLEASE DELIVER IMMEDIATELY!

DATE: February 19, 2003
TO: Examiner Michael Spiegel, GAU 2175 - USPTO
Telephone no. 703.305.7605
FAX NO: 703.746.8882
FROM: Evelyn H. McConathy, Esquire
NO. OF PAGES 3
CLIENT / MATTER: U.S. Appln. 09/804,289 (DP Ref. 22499-68237)
USER ID NUMBER: 1105
COMMENTS Attached please find a Terminal Disclaimer per our discussion/your request.

ORIGINAL WILL NOT FOLLOW

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL PAY THE POSTAGE. THANK YOU.

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE OR DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (215) 575-7000

#4
1/D
2/22/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

J. Barthelow Classen

Application No.: 09/804,289

Group Art Unit: 2175

Filed: 03/12/2001

Examiner: M. Spiegel

Title: System for Creating and Managing Proprietary Product Data

Assistant Commissioner for Patents
Washington, DC 20231

I hereby certify that this correspondence is being filed with the United States Patent Office via facsimile (703.746.8882) addressed to: Examiner M. Spiegel, Art Unit 2175, on

February 19, 2003

Date of Deposit

Michelle D. Sebastian

Name

Signature

2/19/03
DateTERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT

The owner, Classen Immunotherapies, Inc., of one-hundred percent (100%) interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,219,674. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

484611_1

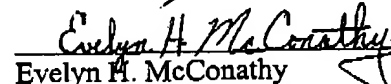
Check either Box 1 or 2 below, if appropriate:

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.
3. ☐ The Terminal Disclaimer fee under 37 CFR 1.20(d) is enclosed herewith.
- ☒ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0979.
- ☒ Terminal Disclaimer fee of \$55.00 required under 37 C.F.R. § 1.20(d)

Respectfully submitted,


 Evelyn H. McConathy
 Registration No. 35,279

Date: February 19, 2003

DILWORTH PAXSON LLP
 3200 Mellon Bank Center
 1735 Market Street
 Philadelphia, PA 19103-7595
 Tel. (215) 575-7000
 Fax (215) 575-7200